

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

v.

RAUL S. ZAVALA,
Defendant.

NO. CR-05-0105-LRS

ORDER

BEFORE THE COURT at the scheduled trial on January 23 - 25, 2006, are the following motions: Defendant Raul Zavala's Motion to Dismiss Indictment With Prejudice (Ct. Rec. 102); Defendant Raul Zavala's Motion to Suppress Recordings (Ct. Rec. 101); Defendant Raul Zavala's Motion to Suppress Search and Seizure [sic] (Ct. Rec. 100); Defendant Raul Zavala's Motion to Suppress Arrest and Search of Vehicle Due to Lack of Exigent Circumstances (Ct. Rec. 99), all filed on January 23, 2006; and United States' Motion in Limine: Punishment/Mistrial/Discovery (Ct. Rec. 89), filed January 12, 2006. Accordingly, for the reasons stated on the record during the hearing on motions at trial and in the Court's **ORDER DENYING DEFENDANT'S MOTION FOR SUPPRESSION** (Ct. Rec. 83) entered on December 15, 2005,

IT IS HEREBY ORDERED:

1 1. Defendant's Motion to Dismiss Indictment With Prejudice (Ct.
2 Rec. 102), filed on January 23, 2006, is **DENIED**.

3 2. Defendant Raul Zavala's Motion to Suppress Recordings (Ct.
4 Rec. 101), filed on January 23, 2006, is **DENIED**.

5 3. Defendant Raul Zavala's Motion to Suppress Search and Seisure
6 (Ct. Rec. 100), filed on January 23, 2006, is **DENIED**.

7 4. Defendant Raul Zavala's Motion to Suppress Arrest and Search of
8 Vehicle Due to Lack of Exigent Circumstances (Ct. Rec. 99), filed on
9 January 23, 2006, is **DENIED**.

10 5. Defendant Raul Zavala's Renewed Motion to Dismiss Indictment
11 Pursuant to Rule 29, raised in open court on January 25, 2006, is **DENIED**.

12 6. Defendant Raul Zavala's Renewed Motion to Suppress Evidence,
13 raised in open court on January 25, 2006, is **DENIED**.

14 7. United States' Motion in Limine: Punishment/Mistrial/Discovery
15 (Ct. Rec. 89), filed January 12, 2006, is **GRANTED** in part and **RESERVED**
16 in part. The Court granted the government's request to bar discussion
17 before the jury of any possible term of imprisonment if Defendant
18 convicted. The Court granted the government's request that all motions
19 for mistrial be presented outside the presence of the jury. The Court
20 granted the government's request that all unusual demands and requests
21 for matters contained in opposing counsel's file not be made in the
22 presence of the jury without first approaching opposing counsel or the
23 bench. The Court granted the government's request that counsel be
24 instructed not to offer or suggest any *ex parte* statement of any person
25 not present in Court to testify and be cross-examined by counsel for
26 plaintiff. The Court reserved for trial, if such circumstance arises,

1 the the government's request to exclude any expert testimony based upon
2 speculation and conjecture.

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter
4 this order and to provide copies to all counsel.

5 **DATED** this 26th day of January, 2006.

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7 S/ Lonny R. Suko
8 LONNY R. SUKO
9 United States District Judge
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